

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PERNELL JOHNSON,	:	CIVIL ACTION NO. 1:08-CV-1063
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
WARDEN DOMINICK DEROSE, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 29th day of September, 2008, upon consideration of plaintiff's failure to file an amended complaint, it is hereby ORDERED that:

1. The matter shall proceed on plaintiff's original complaint (Doc. 1).
2. Defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. 13) is REINSTATED.
3. Plaintiff shall FILE a brief in opposition to defendants' motion on or before October 15, 2008. Failure to file an opposition brief will result in the motion being deemed unopposed and an order granting the motion to dismiss without a merits analysis. See L.R. 7.6; see also Stackhouse v. Mazurkiewicz, 951 F.2d 29, 30 (3d Cir. 1991) (finding a motion to dismiss may be granted without a merits analysis "if a party fails to comply with the rule after a specific direction to comply from the court.)

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge